

**REMARKS**

In view of the foregoing amendments and following remarks responsive to the final Office Action dated February 9, 2007, Applicant respectfully requests favorable reconsideration of this application.

The present invention is a portable electronic communication apparatus, such as a cellular telephone, comprising two housing portions connected to each other in such a way that permits the two housings to be positioned in at least three positions relative to each other, including an open position and two closed positions. Each housing has first and second opposing major surfaces. One surface of the first housing includes a display user interface and one surface of the second housing includes a second user interface, such as a keypad or a second display. The device has at least three modes of operation, the particular mode of operation being dictated by the position of the two housings relative to each other as detected by a position detecting mechanism. In a preferred embodiment, the two housings are connected by a pivot that permits the two housings to be (1) aligned end to end in the open position, (2) folded towards each other in a first closed position such that the two user interfaces are both accessible, and (3) folded toward each other in a second closed position such that the two user interfaces are closed toward each other so that they are both inaccessible.

Claims 1, 2, 4-7, and 9-14 under 35 U.S.C. 103(a) were rejected as unpatentable over Harris in view of Otsuka. Dependent claim 3, which depends from claim 1, was rejected based on the above discussed combination of Harris and

Otsuka and further in view of Kfoury. Independent claim 17 and its dependent claims 27 and 29 were rejected as unpatentable over Otsuka in view of Harris. Finally, dependent claims 28, and 33-35 were rejected as unpatentable over Otsuka in view of Harris as applied to claim 17 and 29 and further in view of Kfoury.

Applicant has herein amended independent claim 1 to incorporate the limitations of former dependent claims 2, 3, 4, 7, 9, and 10 and independent claim 17 to incorporate the limitations of former dependent claims 28, 29, 33, 34, and 35.

Accordingly, the combination of Harris, Otsuka, and Kfoury is at issue.

Applicant respectfully traverses.

The independent claims 1 and 17 now recite that the device includes first and second user interfaces mounted on surfaces of the first and second housings, respectively, and that both user interfaces are inactive when they are closed toward each other, active when the device is closed with the user interfaces exposed, and active when the device is in the open position.

The prior art of record does not teach these features. Particularly, none of the references teach the concept of a device in which the condition of the user interface as active or inactive depends on whether it is exposed or not when the device is folded.

More particularly, as previously noted, Otsuka teaches only a bifold telephone that can fold closed backwards and forwards, but in which there is no mode selection based on the relative positions of the two housings to each other at all.

Kfoury discloses a two-housing telephone with a dual pivot mechanism such that there are two open positions and four closed positions, but the phone is in the same mode regardless of which of the four closed positions it is in. Therefore, Kfoury also does not disclose the concept of controlling the active/inactive condition of the display depending on whether it is exposed or not when the device is folded.

Finally, Harris discloses a telephone with two housing portions, but the housing portions can rotate relative to each other about an axis perpendicular to their major surfaces, i.e., perpendicular to the display user interface that is on the front surface of housing such that the display is always facing out and, therefore, accessible. Harris discloses that the display displays different things depending on the mode, but not that the condition of the display as active or inactive is altered as a function of the relative positions of the housings. Furthermore, Harris does not disclose any change in the second user interface on the second, rear housing (buttons 133 and 135) as a function of the relative positions of the housings. Thus, while Harris discloses mode selection depending on the relative positions of the two housings, it does not disclose that the condition of the user interface as active or inactive is dictated by the mode.

MPEP §2143 lists three requirements for a proper rejection based on obviousness, namely:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Contrary to the requirements of a proper obviousness rejection, the prior art of record does not provide any suggestion or motivation to combine these three references to arrive at the present invention. One of the fundamental concepts of the present invention is automatic entry into a particular operational mode when the device is folded based on the exposure or concealment (i.e., accessibility) of the user-interface as determined by the relative positions of the two housing members, wherein the mode dictates the active or inactive condition of the user interface.

### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Group Art Unit: 2681  
Application No. 10/700,189

Docket No. Bennetts 2-5

The Commissioner is hereby authorized to charge any fees which may be required, any deficiencies that may arise, and to credit any overpayment which may be owed to Applicant in connection with this action and application in general to Deposit Account No. 19-5425.

Respectfully submitted,

Date: April 12, 2007

/Theodore Naccarella/  
Theodore Naccarella, Reg. No. 33,023  
Synnestvedt & Lechner LLP  
1101 Market Street; Suite 2600  
Philadelphia, PA 19107  
Telephone (215) 923-4466  
Facsimile (215) 923-2189

TXN:pmf

S:\A\AGERE\Patents\P27331 USA\PTO\RS to Final OX.doc